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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,977	07/15/2003	Kazunari Kato	9333/348	7827

757 7590 04/18/2007
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

CASTRO, ANGEL A

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/619,977	KATO ET AL.	
	Examiner	Art Unit	
	Angel A. Castro	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Claims 15-20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 15 is dependent from claim 15, therefore is of improper dependent form.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 is dependent of itself rendering the claim indefinite.

Accordingly, claims 15-20 have not been further treated on the merits.

Claim 1 recites the limitation "the abudment" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the abudment" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the small disc" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the large disc" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the second disc" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the slot" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 5-8, 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Agostini (U.S. Pat. 4,674,079).

Regarding claims 1 and 11, as far as it is understood, Agostini discloses a disc-positioning mechanism for a car-mounted disc player (figures 1-9), comprising:

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a drive chassis 14, 16, the drive chassis comprising a turntable 22 and a pickup;
a clamper-supporting member 26;
a clamper 58 rotatably supported on the clamper-supporting member, the clamper operable to clamp a disc between the clamper and the turntable; and
at least one positioning member 32A abutting against the outer periphery of a disc inserted from a slot, the at least one positioning member comprising an abutment 24C operable to make contact with the periphery of the disc and a regulatory portion 24A that extends farther toward the slot than the abutment; wherein the at least one positioning member is supported on the drive chassis and the regulatory portion abuts against the clamper-supporting member.

Regarding claims 2 and 12, it is inherent in the reference to Agostini that the regulatory portion is made from an elastic member (the regulatory portion has some elasticity) and the elastic member elastically abuts against the clamper-supporting member.

Regarding claim 5, Agostini discloses that the positioning member is operable to be moved between a first position in which the small disc is positioned with respect to the turntable and a second position in which the large disc is positioned with respect to the turntable.

Regarding claim 6, Agostini discloses that the regulatory portion slides while abutting against the clamper-supporting member when the positioning member moves.

Regarding claim 7, Agostini discloses that the positioning member is turnably supported on the drive chassis and the regulatory portion extends outward from the clamper and abuts against the lower surface of the clamper-supporting member.

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Regarding claim 8, Agostini discloses that the at least one positioning member comprises a pair of positioning members 32A, 32B, the pair of positioning members operable to turn in synchronization with each other between the first and second positions.

7. Claims 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohsaki (U.S. Pat. 5,416,763).

Regarding claim 21, as far as it is understood, Ohsaki discloses a disc-positioning mechanism of a car-mounted disc player (figures 1-6), comprising:

- a drive chassis 2, the drive chassis comprising a turntable and a pickup;

- a clamper-supporting member 2, 15;

- a clamper 32 rotatably supported on the clamper-supporting member and being able to clamp a disc between the clamper and the turntable; and

- a pair of positioning members 3, 4, 7, 8, operable to position a disc inserted through the slot of the disc player by abutting the outer periphery of the disc,

wherein each of the positioning members is operable to move between a first position at which a first disc is positioned with respect to the turntable and a second position at which the second disc having a diameter greater than the first disc is positioned with respect to the turntable (see figures 1A-1D).

Regarding claim 22, Ohsaki discloses that each of the positioning members comprises an abutment 8a and a regulatory portion 4 made from an elastic member and extending farther toward the slot than the abutment.

Regarding claims 23-24, Ohsaki discloses that the two positioning members are supported on the drive chassis and the regulatory portion elastically abuts the clamping supporting member.

Allowable Subject Matter

8. Claims 9-10 and 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A. Castro whose telephone number is 571-272-7584. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Angel Castro, Ph.D.